

REMARKS

Applicant thanks the Examiner for a thorough examination of the present application, and respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. At the time of the outstanding Office Action, claims 1-16 were pending. Of these, claims 3 and 7 have been canceled, and claims 1, 4-5, 8-10, and 13-14 have been amended. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. Upon entry of this response, claims 1, 2, 4-6, and 8-16 will be pending.

I. 35 U.S.C. § 112, Second Paragraph

Page 2 of the Office Action rejects claims 10 and 13 because “the MTPS layer” lacks antecedent basis. In response to this rejection, Applicant has amended this portion of claims 10 and 13 to recite “the MTP3 layer.” Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 10 and 13.

II. 35 U.S.C. § 103(a)

A. Page 3 of the Office Action rejects claims 1, 3-5, 7, 8, 11, 12, 15, and 16 under 35 U.S.C. § 103(a) as being unpatentable over WO 00/35205 (“Garcia”) in view of U.S. Patent No. 6,590,965 (“Poole”). Applicant traverses this rejection for at least the reasons set forth below.

With regard to independent claims 1 and 5, the Office Action asserts that Garcia discloses all of the required claim features except for the originating point code. However, the Office Action asserts that Poole cures this deficiency. Applicant respectfully disagrees with this assertion. As discussed in detail below, Garcia fails to teach or suggest a number of features asserted in the Office Action.

Garcia discloses a method of transmitting signaling information in a telecommunication network. (*See, e.g.*, Abstract and page 3, lines 33-35). More particularly, Garcia discloses

transferring a message including a “destination signaling point identifier.” (*See, e.g.*, Abstract and page 3, lines 36-38). As discussed in Garcia, the “destination signaling point identifier” identifies “the signaling point at which the peer user/application part is located.” (*See*, page 3, lines 37-38). Thus, the point identifier in the message is associated with the signaling point of the destination terminal. Based on this “destination signaling point identifier,” an MTP level 3 determines a destination address suitable for conveying the signaling information to the destination signaling point. (*See*, page 4, lines 1-4). Accordingly, Garcia basically teaches determining a destination address for a message based on a point identifier associated the destination terminal.

Message Processing

In contrast to Garcia, independent claims 1 and 5 recite “processing the message with the MTP3 layer if it is determined that the point code associated with the originating network element corresponds to the SS7 network” and “processing the message with the M3UA layer if it is determined that the point code associated with the originating network element corresponds to the IP network.” Thus, each claims requires processing with the M3UA layer if the point code corresponds to the IP network, and processing with the MTP3 layer if the point code corresponds to the SS7 network. In addressing these claim features, the Office Action cited to page 3, lines 36-38, and page 4, lines 1-9, of Garcia as allegedly disclosing these claim features. Applicant has thoroughly reviewed these portions of Garcia and does not agree. Page 3, lines 36-38, recite the following:

Transferring signaling information from a first user/application part to a Message Transfer Part (MTP) level 3, the information including a destination signaling point identifier identifying the signaling point at which the peer user/application part is located.

Accordingly, this portion of Garcia merely sets forth that signaling information comprising a destination identifier is transferred from a user/application part to the MTP level 3. There is no discussion whatsoever related to processing with the M3UA or MTP3 layer based on whether the

point code is from a SS7 network or an IP network. Thus, this cited portion of Garcia cannot be reasonably interpreted as teaching the claim feature.

The other portion of Garcia relied upon, page 4, lines 1-9, states the following:

determining at the MTP level 3, from said destination signalling point identifier, a destination address suitable for conveying the signalling information to the destination signalling point or to an intermediate signalling point *en route* to the destination signaling point; and

in the event that said destination address is an Internet Protocol (IP) address and port number, transferring the signalling information and the determined IP address and port number to an IP part for transmission over an IP network to the destination or intermediate signalling point.

Accordingly, this portion of Garcia sets forth that a destination address based on a destination point identifier is determined, wherein if the destination address is an IP address, the signaling information is transferred to an IP part. At best, this may be interpreted as identifying that a destination address is an IP address. However, the claim does not recite such feature. Rather the claim requires “processing the message with the M3UA layer if it is determined that the point code associated with the originating network element corresponds to the IP network.” Garcia cannot be reasonably interpreted as disclosing this because (1) there is no discussion of processing a message with the M3UA layer based on a condition, and (2) there is no discussion of analyzing a point code on an originating network element.

Still further, Garcia fails to discuss the other portion of the claim related to SS7. That is, the cited portion of Garcia fails to teach or suggest “processing the message with the MTP3 layer if it is determined that the point code associated with the originating network element corresponds to the SS7 network.” At a minimum, there is no discussion related to (3) processing the message with the MTP3 layer based on a condition, and (4) analyzing a point code to determine that the originating network element corresponds to a SS7 network.

In view of the above, Applicant respectfully submits that the teachings of Garcia cannot be reasonably interpreted as disclosing or suggesting the above-mentioned features recited in independent claims 1 and 5.

Service Application Interface

Independent claims 1 and 5 recite that the “service application interfaces with both a Signaling System 7 (SS7) network and an Internet Protocol (IP) network....” In rejecting this claim feature, the Office Action states that Garcia discloses transmitting “signaling information (message) between peer user/application parts (service application) where the information, including point codes, can be sent (interface) over an SS7 network or IP network.” (Office Action at pg. 3) Thus, to Applicant’s best understanding, the Examiner is interpreting the “user/application parts” of Garcia to correspond to the claimed service application. As such, it would follow that the “user/application parts” should interface with a IP network and a SS7 network. However, this is not the case. As indicated below, Garcia states that the MTP level 3 (and not the user/application parts) transmits the signaling data via the IP network or the SS7 network:

In the event that the receiving signalling point is the destination signalling point, the signalling information is passed to the peer user/application part. If the receiving signalling point is not the destination signalling point, then the MTP level 3 determines a further destination address, on the basis of the destination signalling point identifier, suitable for conveying the signalling information to the destination signalling point or to another intermediate signalling point. The signalling data may be transmitted to the destination signalling point, or to the next intermediate signalling point, via an IP network as already described or over an alternative network such as an SS7 network (MTP level 2). (Page 4, lines 28-35; emphasis added.)

In view of the above, Applicant respectfully submits that the teachings of Garcia cannot be reasonably interpreted in the manner set forth in the Office Action.

Network Selection Table

As discussed in detail above, the rejections set forth in the Office Action fail to establish a *prima facie* case of obviousness. Nevertheless, in a good faith effort to advance prosecution toward allowance, Applicant has further amended independent claims 1 and 5 to more particularly describe certain aspects of the invention. In particular, claims 1 and 5, as amended, recite "accessing a network selection table comprised within a MT3 API level of a protocol stack to determine how to process the message, wherein the protocol stack comprises both a message transport part layer 3 (MTP3) layer and a MTP3 user adaptation layer (M3UA) layer, and wherein the network selection table comprises entries that associate point codes with network types." Accordingly, independent claims 1 and 5 require (1) a network selection table within a MT3 API stack, (2) accessing the network selection table to determine how to processes a message, (3) a protocol stack that comprises a MTP3 layer and a M3UA layer, and (4) a network selection table that associates point codes with network types.

Garcia does not disclose the above-enumenrated features. Rather, Garcia describes the following (cited in the Office Action):

determining at the MTP level 3, from said destination signalling point identifier, a destination address suitable for conveying the signalling information to the destination signalling point or to an intermediate signalling point *en route* to the destination signaling point; (Page 4, lines 1-4; emphasis in original)

Preferably, the method comprises providing a look-up table at the originating signalling point which maps signalling point identifiers to IP addresses and port numbers or to signalling links. Preferably, the method comprises providing an adaptation level between the MTP level 3 and the IP part, at the originating, intermediate, and destination signalling points. The adaptation layer "listens" to a predetermined port number to receive and process incoming TCP connections or UDP packets, and provides an interface between the MTP level 3 and the TCP/UDP levels. (Page 5, lines 1-9; emphasis added)

Accordingly, the first cited discussion (*i.e.*, page 4, lines 1-4), describes that a destination address based on a destination point identifier is determined, wherein if the destination address is an IP address, the signaling information is transferred to an IP part. The second cited discussion (*i.e.*, page 5, lines 1-9), describes a look up table at an originating signaling point that maps signaling point identifiers to IP addresses or port numbers. Although a look up table is mentioned, there is no discussion of a network selection table within a MT3 API stack. Rather, the only discussion relates to a network selection table at an originating signaling point. Additionally, there is no discussion of accessing the network selection table to determine how to processes a message. Instead, the “adaptation layer “listens” to a predetermined port number to receive and process incoming TCP connections or UDP packets.” Moreover, there is no discussion of a protocol stack that comprises a MTP3 layer and a M3UA layer. Although the Office Action refers to Figure 3, it is unclear exactly how the illustration teaches a stack comprising a MTP3 layer and a M3UA layer. Furthermore, there is no discussion related to a network selection table that associates point codes with network types. Although there is a discussion about mapping “signalling point identifiers to IP addresses and port numbers or to signalling links,” such a teaching cannot be reasonably interpreted as associating point codes with network types. This is because there is no teaching or hint about a plurality of network types being correlated with point codes. Therefore, Garcia fails to disclose or suggest (1) a network selection table within a MT3 API stack, (2) accessing the network selection table to determine how to processes a message, (3) a protocol stack that comprises a MTP3 layer and a M3UA layer, and (4) a network selection table that associates point codes with network types.

In view of the above-enumerated deficiencies in Garcia, Applicant respectfully submits that the teachings of Garcia cannot be reasonably interpreted in the manner set forth in the Office Action. Therefore, for at least the plurality of reasons set forth above, Applicant respectfully submits that independent claims 1 and 5 are patentable over the prior art of record.

B. Page 9 of the Office Action rejects claims 2 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Garcia, Poole, and U.S. Patent No. 6,868,268 ("Worsham"). Page 10 of the Office Action rejects claims 9 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Garcia, Poole, and U.S. Patent Application No. 2007/0220166 ("Lundstrom").

With regard to these remaining cited references, Applicant respectfully submits that these references were relied upon in the Office Action merely as alleged evidence of one or more limitations recited in the dependent claims of the present application. However, none of these remaining references cure the above-discussed deficiencies of Garcia and Poole, nor has the Examiner asserted that they do.

CONCLUSION

Because none of the references cited by the Examiner, either separately or in combination with each other, teaches or suggests all of the features recited in independent claims 1 and 5, Applicant submits that independent claims 1 and 5 are patentable over these cited references. Furthermore, because dependent claims 2, 4, 6, and 8-16 are each directly or indirectly dependent upon independent claims 1 and 5, Applicant submits that each of these claims are allowable for at least the same reasons discussed above, in addition to their own reasons which Applicant reserves the right to argue at a later time if necessary.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to

Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

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